

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the
Commission's Own Motion into Competition for
Local Exchange Service.

Rulemaking 95-04-043
(Filed April 26, 1995)

Order Instituting Investigation on the
Commission's Own Motion into Competition for
Local Exchange Service.

Investigation 95-04-044
(Filed April 26, 1995)
**(FCC Triennial Review
Nine-Month Phase)**

**ADMINISTRATIVE LAW JUDGE'S RULING
REVISING THE STARTING TIME
FOR PREHEARING CONFERENCE AND
ADOPTING HEARING ROOM PROCEDURES**

I. Earlier Starting Time for Prehearing Conference

Parties are hereby notified that the starting time for the prehearing conference scheduled in this matter for January 20, 2004, that was to begin at 10:00 a.m. is hereby changed to a starting time of 9:30 a.m.

II. Procedures for Conduct of Hearings

Particularly in view of the magnitude of testimony to be covered in evidentiary hearings, it is imperative that the proceeding run as efficiently and smoothly as possible. The following procedures shall apply to the conduct of hearings, and are intended to facilitate efficient use of hearing time.

A. Distribution of Exhibits During Evidentiary Hearings

Each party seeking to introduce an exhibit during evidentiary hearings should, in the hearing room, provide **ONE** copy to the assigned ALJ and **ONE**

copy to the court reporter, and have sufficient copies of each exhibit available for handing out to parties present in the hearing room. Exhibits shall comply with Rule 70 of the Commission's Rules of Practice and Procedure. Please especially note that the top sheet of the exhibit must have a blank space to accommodate the Commission's Exhibit Stamp. Exhibits shall be marked for identification upon introduction, but motions to admit exhibits into evidence will be taken up at the end of the witness' oral testimony.

Any exhibit to be used for cross-examination purposes should be served in advance on counsel for the party to be cross-examined, or at the latest, served on the beginning of the day on which the witness is due to testify (service may need to be made by overnight mail or facsimile). While some potential cross-examination exhibits may only come to the parties' attention after the hearing has started, and short notice may be necessary in some instances, the parties are strongly encouraged to cooperate in observing this procedure and not to use "surprise" as a litigation strategy. To economize time, if multiple exhibits are being sponsored by a witness or being used for cross-examination of the witness, the exhibits should be distributed simultaneously rather than sequentially as they are formally introduced.

B. Objections to Admission or Use of Exhibits

If any party's counsel intends to object to the introduction, admission, or use of a cross-examination exhibit, the counsel shall announce its objection as early as possible. Where necessary, opportunity for oral argument on such objections will be provided.

C. Corrections to Exhibits

Any corrections or modifications to exhibits should be made by the witness in writing on the copies of exhibits distributed in the hearing room in

advance of the witness taking the stand to testify. In the interests of economy, witnesses should avoid taking up hearing time making such corrections to exhibits as part of oral direct examination.

D. Marking of Confidential Exhibits

Exhibits containing confidential information should bear the appropriate exhibit number and be followed by the letter "C." A redacted copy of such an exhibit shall also be provided for the public record. For example, the confidential version of Exhibit 1 would be marked Exhibit 1-C, and the redacted (public) version of the document would be marked Exhibit 1. To the extent cross-examination is conducted on confidential data, parties should seek to minimize any need to seal the transcript by avoiding oral disclosure of confidential data. Where unavoidable, oral testimony discussing confidential data will be subject to a sealed record transcript.

E. Comparison Exhibits

In order to facilitate decision making and possibly narrow differences among the parties with respect to the issues in dispute, parties are directed to collaborate with the goal of producing one or more jointly sponsored comparison exhibits in a matrix format. The purpose of each comparison exhibit shall be to delineate principle issue areas in dispute (with each issue enumerated in a separate row) and summarization of differences among parties' positions on each of those issues (with each party (or coalition) enumerated in a separate column). The goal shall be for the applicable jointly sponsored comparison exhibits to be produced at the conclusion of evidentiary hearings.

IT IS RULED that:

1. The starting time for the Prehearing Conference in this matter scheduled for Tuesday, January 20, 2004, is changed from 10:00 a.m. to 9:30 a.m.
2. Parties shall comply with the procedures and processes set forth above with respect to conduct of hearing room procedures and exhibit presentation.

Dated January 14, 2004, at San Francisco, California.

/s/ THOMAS R. PULSIFER

Thomas R. Pulsifer
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail and e-mail this day served a true copy of the original attached Administrative Law Judge's Ruling Revising the Starting Time for Prehearing Conference and Adopting Hearing Room Procedures on all parties of record in this proceeding or their attorneys of record.

Dated January 14, 2004, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074 or TTY# 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.